

REMARKS

Claims 1-15 and 17-25 are pending. Claim 16 has been cancelled without prejudice or disclaimer. As the above-amendments are presented in the format described by the proposed revision to 37 CFR § 1.121, no clean copy of the amended claims is being provided.

I. New Claims

Claims 22-25 have been added to further protect the invention. These claims are directed to a collapsible container wherein at least one surface is the element of the invention. These claims are supported in the present specification in the penultimate paragraphs of pages 1 and 2, as well as 2a-2d. No new matter is being entered.

II. Claim Objections

Claim 16 stands objected to under 37 CFR § 1.75(c) as allegedly failing to further limit the subject matter of the claim from which it depends. However, as claim 16 has been cancelled, it is respectfully submitted that this objection is now moot.

III. 35 USC § 112

Claims 1, 4, 8 and 9 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. In response, Applicants have amended the claims in accordance with the Examiner's helpful suggestions. Reconsideration is therefore requested.

IV. 35 USC § 103

A. WO '954 in view of Rehrig, Umiker, and WO' 353

Claims 1-21 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over WO 97/39954 in view of Rehrig (U.S. Patent No. 3,565,278), Umiker (U.S. Patent No. 5,395,010) and WO 97/16353. The Office Action asserts that WO '954 teaches each feature of the claims except for "a resilient section to combat temperature related shrinkage of the injection molded parts", and "U-shaped and ribbed frame embodiments, and also fails to teach the wall

section being thinner at the side closest to the frame section than the average thickness of the wall section”, for which purpose the secondary references are cited.

Specifically, the Office Action states that the corrugations 30 of Rehrig are resilient sections to accommodate expansion and contraction of (as well as limited lateral deflection) of the panel. However, even if such corrugations 30 could correct for differences in temperature related shrinkage, the corrugations are not “part of the wall section” as recited by claim 1. In fact, the corrugations 30 of Rehrig are parts of intersections 17 forming individual compartments 15 by the partition panels 16. In order for the corrugations 30 of Rehrig to be “part of the wall section” they must be included in walls 13 and/or 14. As a result, the corrugations 30 of Rehrig cannot absorb “differences in the temperature related shrinkage between the circumambient frame and the wall section” (emphasis added).

Furthermore, with respect to new claims 24 and 25, Applicants respectfully present that none of the cited references teach a resilient section between a wall section and a circumambient frame having disparate thicknesses. As presented in the first page of the present specification, conventionally, in order to provide the requisite strength in the frame of collapsible containers, the frame structure needed to be of a certain thickness. Because no structure to reduce stresses resulting from disparate cooling rates had been incorporated into the containers, it was necessary to form the wall sections of the same thickness. As a result, manufacturers were forced to utilize unwanted amounts of material to ensure structural stability of the resulting frames, walls and containers. Only through the present invention, could collapsible containers be produced with a thick frame and relatively thin wall section, by utilizing a resilient section therebetween. Although the Office Action states that such a combination was obvious, no evidence of such a combination has been identified. Thus, Applicants respectfully submit that the positioning of an injection molded resilient thermoplastic section between a relatively thick circumambient frame and a relatively thin wall section would not have been obvious to one of ordinary skill in the art.

In any event, Applicants respectfully present that employing the corrugations 30 of Rehrig (as part of partition panels 16) would defeat a purpose of the primary reference, i.e., WO '954. Specifically, Applicants note that WO '945 is directed to a collapsible container, integrally molding the partition panels 16 into the collapsible container of WO '954 would necessarily prevent the modified container from collapsing.

Additionally, Rehrig shows a design wherein portions of the reinforcing ribs structure (i.e., the closest structure to the presently recited circumambient frame) are provided with a bellow-like design, in order to break the carrying strength of the rib and allow for longitudinal compression and expansion of the individual rib. In contrast, as discussed in the first page of the present specification, the product of the present invention has a strong carrying capacity. One of ordinary skill will certainly understand that the ribs of a strong carrying structure would be formed from the circumambient frame of the present invention. In contrast, the rib structure of Rehrig (corresponding to the frame structure of the present invention) is actually weakened by the bellow-like structure. Only through impermissible hindsight would one of ordinary skill have incorporated the teachings of Reherig with that of WO '954 or Umiker.

B. Knox in view of Painsith, Rehrig and King

Claims 1-21 also stand rejected under 35 USC § 103(a) as being unpatentable over Knox (U.S. Patent No. 2,888,764), in view of Painsith (U.S. Patent No. 6,216,377), Rehrig and King (U.S. Patent No. 2,198,521). The Office Action asserts that Knox teaches each feature of the claim, except for the absorbance of temperature related shrinkage induced stresses, and the inner wall structure being thinner at the pivot line than at the average thickness of the inner wall structure. However, the Office Action states that these missing features are either taught by the secondary references or are "an obvious matter of design choice".

Although Applicant has previously argued that the structure of Knox is not injection molded, the Office Action points to molding members 10, 11, 13 as states that such molding members are molded. However, Applicants respectfully disagree with this characterization. The molding members are, in fact, moldings, (defined by Merriam-Webster as "decorative recessed or relieved surfaces or decorative planes or curved strips used for ornamentation or finishing"). This reference provides no teaching nor suggestion to form the molding members 10, 11, 13

from thermoplastic materials through an injection molding process. While Painsith may teach forming a display frame in an injection molding process, the Office Action fails to establish the necessary motivation to do so.

The injection molded element of the present claims is distinct from the cited combination. For example, as recited by claim 1, the element is injection molded with particular characteristics. Thus, each piece of the element, e.g., the frame, wall section and resilient section, are attached without the need for an additional attachment mechanism. In contrast, the deformable section 4 of Knox is joined to the inner and outer frames through, e.g., adhesive tape, or by being inserted into the molding members. As a result, the formation of the ensemble of Knox is quite cumbersome and time consuming when compared to the injection molded product of the present claims.

With respect to claims 24 and 25, Applicants repeat that there is no teaching nor suggestion to use the deformable section 4 of Knox to connect the inner frame 2 to the outer frame 1, wherein the inner frame and outer frame are of different thicknesses.

For the foregoing reasons, the proposed alternative combination of secondary references with Knox fails to establish a *prima facie* case of obviousness for the invention as claimed and withdrawal of the rejections are respectfully requested.

V. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

If the examiner is of the opinion that a brief telephonic or personal interview would facilitate any additional issues leading to the allowance of the application, he is kindly invited to contact the undersigned at (202) 785-0100.

Respectfully submitted,



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